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District Judge Tana Lin

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**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

¹¹ MURAD KHALED ATALLA
¹² ALMIAWI,

Civil No. 2:23-cv- 919-TL

12 Petitioner,

V.

14
UR JADDOU, et al.,
15

Petitioner,

**STIPULATED MOTION TO
DISMISS AND REMAND CASE
TO UNITED STATES
CITIZENSHIP AND
IMMIGRATION SERVICES,
PURSUANT TO 8 U.S.C. § 1447(b)
and ~~PROPOSED~~ ORDER**

18 Noted for Consideration: 07/14/2023

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22 requesting this Court to adjudicate his application for naturalization that was
23 pending before the United States Citizenship and Immigration Services
24 (“USCIS” or “the agency”) for more than 120 days after Petitioner had been
25
26 interviewed.

27 Stipulation to Remand

1 2. USCIS is now prepared to resolve this matter by adjudicating
2 Petitioner's application for naturalization. However, USCIS cannot adjudicate
3
4 the application unless and until the Court remands the matter to the agency. *See*
5 8 U.S.C. § 1447(b) (explaining that the district court "may remand [a] Section
6 1447(b) case], with appropriate instructions, to the [USCIS]"); *United States v.*
7
8 *Hovsepian*, 359 F.3d 1144, 1160 (9th Cir. 2004) (accord).

9 Accordingly, subject to the Court's approval, IT IS HEREBY STIPULATED
10 that:
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12 1. The Court shall dismiss this matter without prejudice and remand
13 this case to USCIS, directing the agency to take any and all necessary actions,
14 and to issue a decision on Petitioner's application for naturalization within 7
15 days of the remand order. Based on the information now available to it, USCIS
16 sees no basis that precludes a grant of Petitioner's application for naturalization.
17
18 However, Petitioner acknowledges his burden to establish and maintain
19
20 eligibility for naturalization up to the time he has taken the oath of allegiance.

21 2. If USCIS does not issue a decision on Petitioner's application for
22 naturalization within the time frame set forth in paragraph 1 above,
23
24 Respondents will not oppose any request by Petitioner to this Court to vacate
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¹ the remand order and thereby re-assert jurisdiction over Petitioner's action
² pursuant to 8 U.S.C. § 1447(b).

4 3. Petitioner has asserted a claim to attorney's fees and costs under
5 the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. The parties hereby
6 agree that both parties not be awarded attorney's fees and costs under the EAJA.
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8 Dated: July 14, 2023

Respectfully submitted,

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10 TESSA M. GORMAN
Acting United States Attorney

¹⁷ Dated: July 14, 2023

/s/Bart Klein
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27 Stipulation to Remand

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{PROPOSED} ORDER

2 Pursuant to the Parties' stipulation (Dkt. No. 7), IT IS SO ORDERED. This case is
3 DISMISSED without prejudice and without fees or costs. The case is REMANDED to
USCIS.

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Dated: July 17, 2023

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Tana Lin
United States District Judge

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27 Stipulation to Remand

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